

STATE OF WISCONSIN . . . BEFORE THE CITY OF MADISON . . . DANE COUNTY
ALCOHOL LICENSING REVIEW COMMITTEE

CITY OF MADISON
210 Martin Luther King Jr. Blvd. #401
Madison WI 53703

Complainant,

v.

SUMMONS

Non-renewal of Class B Beer and Class
C Wine licenses

LITTLE MANHATTAN LLC.
DBA: Little Manhattan
Emmalee Tse
6718 Odana Road
Madison, WI 53719

Respondent.

To each person named above as Respondent:

You are hereby summoned and required to appear before the Alcohol License Review Committee of the City of Madison at its meeting of May 16, 2012, in Room 201, City-County Building, 210 Martin Luther King Jr. Blvd., Madison, Wisconsin, at 5:30 p.m., to answer to the attached Complaint for Little Manhattan LLC, d/b/a Little Manhattan, Emmalee Tse, agent, 6718 Odana Road, Madison WI 53719.

Dated this 16th day of May, 2012.



David A. Hart, ALRC Chairperson

If you require the assistance of auxiliary aids or services because of a disability, call 266-4511 (TDD 267-8664) to make the appropriate arrangements.

STATE OF WISCONSIN BEFORE THE ALCOHOL DANE COUNTY
LICENSE REVIEW COMMITTEE
OF THE CITY OF MADISON

CITY OF MADISON,

Complainant,

vs.

**NONRENEWAL
OF CLASS B BEER AND CLASS
C WINE LICENSES**

LITTLE MANHATTAN LLC.
DBA: Little Manhattan
6718 Odana Road
Madison, WI 53719

Respondent.

NOW COMES the City of Madison by Assistant City Attorney Jennifer Zilavy,
and alleges as follows, that:

1. The Complainant, Jennifer Zilavy, is an adult resident of the City
of Madison, with a business address of 210 Martin Luther King Jr. Blvd.,
Madison, WI, and at all times material to this action, she was and is a member of
the Office of the City Attorney, in her official capacity.

2. The respondent herein, Little Manhattan LLC, Emmalee Tse,
agent, is the alcohol beverage licensee doing business as Little Manhattan at 6718
Odana Road, Madison, Wisconsin, according to documents filed with the City
Clerk of the City of Madison.

3. On November 1, 2011, the Common Council of the City of
Madison granted Respondent's Class B Beer and Class C Wine Alcohol License
for the period July 1, 2011 through June 30, 2012. At all times alleged in this

complaint, respondent was the holder of a Class B Beer and Class C Wine License issued by the City of Madison.

4. Respondent has filed a renewal application for its Class B Beer and Class C Wine licenses for the period July 1, 2012 through June 30, 2013.

5. On April 10, 2012, a meeting was held at Little Manhattan with the manager, Jack Dong, the agent at the time Liu Xiao, Attorney Steve Cohen, Alder Mark Clear, Captain Victor Wahl and Assistant City Attorney Jennifer Zilavy, for purposes of discussing various liquor law violations and safety concerns that had come to the attention of the City after an incident that occurred at Little Manhattan on March 17, 2012.

6. On information and belief, the licensee, under the City of Madison Class B Beer and Class C Wine licenses for the retail sale of those beverages at the premises known as Little Manhattan, 6718 Odana Road, Madison, Wisconsin, has violated various provisions of Sec. 38.10(1)(a) of the Madison General Ordinances as set forth in Madison Police Department officers' reports, to wit:

**VIOLATIONS OF CHAPTER 38 OF THE MADISON GENERAL
ORDINANCES WITHIN THE MEANING OF § 38.13(1)(a), MADISON
GENERAL ORDINANCES, VIOLATING A CONDITION OF THE
LICENSE, TO WIT: CAPACITY**

1. On March 17, 2012 at approximately 12:27 a.m., Madison Police Officer Benjamin Schwarz was conducting a routine bar check at Little Manhattan, 6718 Odana Road. Upon entering the premise, Schwarz made contact with the bar manager, identified as Jack Dong. Dong told Officer Schwarz that he believed the

bar's capacity was 175. The Capacity stated on the license is 125. Officer Schwarz made contact with security personnel and they estimated that there was approximately 250 – 300 people in the bar. Officer Schwarz observed that nobody appeared to be keeping track of the patrons entering the establishment. Officer Schwarz observed that nobody appeared to be carding individuals as they entered the bar. Dong told Officer Schwarz that there was a private party that evening. Madison Police Case No. 2012-70521.

**SELLING WITHOUT A LICENSE OR PERMIT IN VIOLATION
OF MADISON GENERAL ORDINANCES § 38.05(1), SELLING
WITHOUT A LICENSE OR PERMIT**

2. On March 17, 2012, while Madison Police Officer Benjamin Schwarz was conducting a routine bar check at Little Manhattan, 6718 Odana Road, he observed that one of the karaoke rooms was set up as a bar and intoxicating liquor was being sold. Madison Police Case No. 2012-70521.

**IN VIOLATION OF MADISON GENERAL ORDINANCES SEC. 38.10(1)(a) 2,
KEEPS OR MAINTAINS A DISORDERLY HOUSE**

3. On March 17, 2012, at approximately 12:27 a.m. Madison Police Officer Benjamin Schwarz conducted a routine bar check at Little Manhattan. Officer Schwarz observed the establishment to be well over the legal person capacity with double the legal capacity. Officer Schwarz observed that an entry fee of \$20 was being charged at the door for what the manager told him was a private party. Officer Schwarz observed that there was no guest list at the door and that patrons were coming in with little or no identification checking or scrutiny. Officer Schwarz observed a bar set up in one of the karaoke rooms and he observed intoxicating liquor being sold. The manager of Little

Manhattan, Jack Dong, did not know the correct legal capacity of the bar. Madison Police Case No. 12-70521.

4. On May 11, 2012, at approximately 12:30 a.m., several Madison Police Officers were dispatched to Little Manhattan for a report of shots fired. Upon arrival, the Officers discovered a crowd larger than normal. The bouncer at the main entrance initially told Officers that he was not aware of a shooting. However, when the same bouncer was re-interviewed he admitted that he was aware of the shooting and stated that a shot narrowly missed him before striking the building. The bouncer told the Officers that they could not enter the bar. However, the Officers did enter the bar and they found a female in the bathroom with a gunshot wound to the leg and another female with a superficial wound to the ankle. Later that morning Madison Police was contacted by Janesville police due to an individual showing up at a Janesville hospital with a gunshot wound that was believed to have occurred at Little Manhattan. The bar manager, Jack Dong, told Officers that the exterior cameras on the building are not functional and that the interior cameras are only turned on for private parties. At the April 9, 2012 meeting Dong told Madison Police Captain Victor Wahl that he would install operational cameras in all the karaoke rooms so that bar staff could actively monitor activity in the karaoke rooms. Madison Police Case No. 12-125722.

NOW, THEREFORE, for all the above stated reasons and pursuant to Sec. 38.10(1), Madison General Ordinances, the Complainant requests that the Common Council of the City of Madison non-renew the Class B Beer and Class C Wine Licenses to sell fermented malt beverages and wine for the premises known as, LITTLE MANHATTAN LLC, d/b/a Little Manhattan, 6718 Odana Road, Madison, Wisconsin.

STATE OF WISCONSIN)

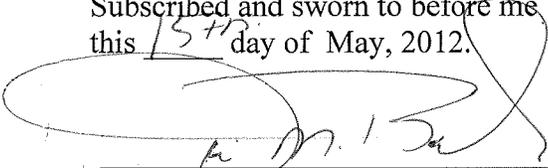
) ss.

COUNTY OF DANE)

Madison Assistant City Attorney Jennifer Zilavy, being duly sworn on oath, states that she has read the foregoing Complaint against LITTLE MANHATTAN LLC, d/b/a Little Manhattan, and that the statements are true of her own knowledge, except those which are stated upon information and belief, and as to such matters, she believes them to be true as they are based upon reports by Madison Police Officers filed pursuant to their official duties.


Jennifer Zilavy
Assistant City Attorney

Subscribed and sworn to before me
this 15th day of May, 2012.



Notary Public, Dane County, Wis.

My Commission expires: 2.14.16